



**MINISTER OF
SUSTAINABLE DEVELOPMENT**

Legislative Building
Winnipeg, Manitoba, CANADA
R3C 0V8

FEB 15 2017

Mr. Serge Scrafield
Chair
Clean Environment Commission
305 – 155 Carlton Street
Winnipeg MB R3C 3H8

Dear Mr. Scrafield:

A handwritten signature in cursive script, appearing to read "Serge".

Re: Manitoba Hydro - Manitoba-Minnesota Transmission Project

On December 31, 2015 the Department of Sustainable Development issued Terms of Reference to the Clean Environment Commission for public hearings on the proposed Manitoba-Minnesota Transmission Project (MMTP).

The Terms of Reference have been revised to ensure the scope of the hearings will meet federal environmental assessment requirements related to the potential impacts of the project on Aboriginal people, and avoid duplication of the provincial and federal environmental assessment processes. The revised Terms of Reference are attached.

Yours sincerely,

A handwritten signature in cursive script, appearing to read "Cathy Cox".

Cathy Cox
Minister

Enclosure

c: Tracey Braun

**Revised Terms of Reference
Clean Environment Commission
Manitoba-Minnesota Transmission Project (the Project)**

Background

On November 21, 2014, Manitoba Hydro filed an Environment Act Proposal (EAP) for the Manitoba-Minnesota Transmission Project with the Environmental Approvals Branch (EAB) of Conservation and Water Stewardship. In addition to the EAP, Manitoba Hydro provided a draft scoping document that outlined their proposed scope for an Environmental Impact Statement (EIS) for the project. The scoping document was subjected to a Technical Advisory Committee (TAC) and public review. The scoping document was finalized based on the comments received in this review and was submitted on June 10, 2015. Subsequently, the EIS was submitted on September 22, 2015.

As authorized under *The Environment Act*, the Minister of Sustainable Development has decided that the assessment of the Manitoba-Minnesota Transmission Project will include a review by the Clean Environment Commission (the Commission).

Terms of Reference

Pursuant to Section 6 (5.1) of *The Environment Act*, the Minister has determined that the Terms of Reference the Commission is to follow are:

- To review the EIS, including the proponent's public consultation summary. Note that a detailed technical review will be completed by provincial agencies who are members of the TAC. Federal specialists will also be invited to provide comments on the project as part of the TAC review. Documents produced during this assessment should be considered by the Commission as input for the hearings;
- To hold public hearings for the Commission to consider stakeholder and public input; and
- To prepare and file a report with the Minister of Sustainable Development outlining the results of the Commission's review and providing recommendations for the Minister's consideration. The report should be filed within ninety (90) days from the date of completion of hearings as per Section 7(3) of *The Environment Act*.

Mandate of the Hearings

The Commission shall conduct the hearings in general accordance with its Process Guidelines Respecting Public Hearings.

The Commission may, at any time, request that the Minister of Sustainable Development review or clarify these Terms of Reference.

Hearings should be located in areas that will allow reasonable access to potential stakeholders, including in the project area and Winnipeg.

The Commission shall, within the mandate of the hearing and the Terms of Reference provided by the Minister as noted above, provide a report recommending:

- Whether an Environment Act licence should be issued to Manitoba Hydro for the Manitoba-Minnesota Transmission Project, and
- Should the Commission recommend issuance of a licence, any conditions that should be included in the licence.

The Commission's recommendation shall incorporate, where appropriate, the Principles of Sustainable Development and Guidelines for Sustainable Development as contained in *Sustainable Development Strategy for Manitoba*.

The review by the Commission of the EIS and the public hearings will include consideration of the effect on First Nations, Metis and other Aboriginal communities of any changes to the environment including those related to: (i) health and socio-economic conditions, (ii) physical and cultural heritage, (iii) the current use of lands and resources for traditional purposes, and (iv) any structure, site or thing that is of historical, archaeological, paleontological or architectural significance.

Manitoba will provide an opportunity for First Nations, Metis and other Aboriginal communities to advise of any concerns about potential adverse effects of the project on the exercise of Aboriginal or treaty rights through a Crown-Aboriginal Consultation process. While the eventual licensing decision pursuant to *The Environment Act* will consider the results of the consultation process, Crown-Aboriginal consultation is a distinct process from the public review process, including hearings to be conducted by the Commission. As such, the Commission is not being called on to conduct a Crown-Aboriginal consultation process or to consider the appropriateness or adequacy of the consultation process for the project. The Commission also need not assess whether identified impacts may constitute an effect on the exercise of Aboriginal or treaty rights.

October 21, 2016